

1 that those computers were able to connect because it was  
2 established even before I arrived to the position. That the  
3 schools, because all the concerns that the Department of  
4 Education had to have that achievement to have it connected  
5 and to try to fulfill out that concern, the connection would  
6 be done throughout active directory.

7 Q Through what?

8 A Active directory.

9 Q Meaning what?

10 A Active directory means that there is a directory at  
11 the central level which recognizes every computer that is  
12 trying to get into the network and assigns a profile to  
13 define what can be done and what cannot be done. To do such  
14 a thing, all the computers should be able to manage at least  
15 Windows 2000 and there were a lot of junk computers that were  
16 junk in terms that they can't handle that operational system.

17 Q Why?

18 A So the computers that were finally going to be  
19 connected through the active directory had to be able to  
20 handle Office 2000.

21 Q When did you leave your job?

22 A Officially, in January 15. For a sick leave in the  
23 last week of November.

24 Q Last week of November of which year?

25 A The year before.

1 Q 2002?

2 A 2002.

3 Q When you left your job on a sick leave, had those  
4 computers been purchased?

5 A The last thing I left were I ordered the work of  
6 being a delivery of 3,000 PCs. That means 2 computers for  
7 every single school in Puerto Rico just to be sure that at  
8 least there are computers which I know of because we checked  
9 the specs and we made the orders that complied with what  
10 everything is needed to be there.

11 At least that was my goal at that time. I wanted  
12 to be sure that I can assure to anybody that the office that  
13 I was directing knows that at least 2 stations are available  
14 at every single school in Puerto Rico to connect. Also, at  
15 that time---

16 Q At what time?

17 A The time when I left.

18 Q Um-jum.

19 A At that time, the year before were acquired 100  
20 something, it should be between 100 and 105 or 106 labs.  
21 That includes fixed labs and mobile labs. The mobile labs  
22 were acquired to---

23 MR. A.J. BENNAZAR: Just for the sake of  
24 clarification, can we stipulate that "lab" you mean  
25 laboratory?

1 DEPONENT: Computer laboratories.

2 MR. A.J. BENNAZAR: Computer laboratories, okay.

3 BY MR. CAMILO SALAS:

4 A (DEPONENT) The mobile labs we decide to acquired  
5 it because to try to deal with the problem of electricity if  
6 we needed to. The other lab had the features of up to 26  
7 notebooks can be handled throughout 1 single outlet.

8 Q How many notebooks?

9 A Up to 26.

10 Q That's a laptop computer?

11 A Laptop computer.

12 Q Okay.

13 A And in the case when we were notified by school  
14 principles they had the opportunity to have a lab, they had  
15 to decide. If they had the infrastructure to handle the  
16 whole thing, that means you have a room and the room has  
17 power enough to move the whole computer laboratory. Do you  
18 have security in terms of rod iron "rejas", and do you have  
19 the connectivity? If you had all this, you can opt to have  
20 this kind of a fix. It's what we call a fixed lab which is a  
21 traditional computer that we are talking.

22 If you have any problems, specially problems with  
23 electricity, you can't turn on 4 computers in a row because  
24 the breakers go down and then you have to go the other way.  
25 Of that kind of projects that were made in my first year were

1 100 and something. By the time I left and order was issued  
2 for another bid for 400.

3 MR. A.J. BENNAZAR: Laboratories?

4 DEPONENT: Laboratories.

5 BY MR. CAMILO SALAS:

6 A (DEPONENT) All of them, 3,000 PCs that were  
7 already being connected throughout the whole schools of  
8 Puerto Rico and that is other than the proposals that were  
9 granted through federal funds to buy computers. Even  
10 computer labs and there were other grants that were granted  
11 for rebuilding the electricity problems throughout some  
12 schools which I am not sure it was something like \$10 million  
13 or \$11 million dollars for that. Some of the money that was  
14 assigned for dealing with electricity problems which were  
15 handled not through my office but through OMED, the office  
16 which is in charge of the physical structure of the schools.

17 Q So money was obtained through grants for  
18 electricity and what else you said?

19 A For electricity and to buy---

20 Q Computers?

21 A Computers. Also, that first year I was there we  
22 designed a training program in which we trained over 2,300  
23 teachers in skills on how to use computers. We validated in  
24 terms of being sure that they were present at these training  
25 centers and that they had the skills being produced.

1           Also training, laboratories, PCs and then an  
2           assessment we started making in every single school and also  
3           we hired some 30 or 32 new technicians and we trained them in  
4           order to be assigned 3 technicians by region so they can be  
5           first hand. I called them "región extranjera" because they  
6           were dealing with all log-on problems and they were the long  
7           arm of OSIATD at the region, so in case of help needed  
8           somebody can be there within the same day to help and keep on  
9           with the support they need so they don't have to wait until  
10          somebody in San Juan that doesn't even know where is the  
11          barrio there in Maricao and can get there and try to fix  
12          something before he is back even into to Ponce, the whole  
13          system is down again.

14                So we wanted to be sure that somebody, at least 3  
15          people were there. I know this is not what I think it should  
16          be, but it is better than what I had that was none. Somebody  
17          is there to help.

18                Q     You said that by the time you left, 3,000 PCs had  
19          been ordered or was starting to arrive?

20                A     They were delivering already.

21                Q     Delivered to the schools?

22                A     Directly to the schools. The bid for those  
23          computers states that the supplier... Let me say something.

24                Q     Go ahead.

25                A     One of the things that I found was that the

1 projects were too much split.

2 Q The what?

3 A Too much split. There were so many parties and  
4 suppliers in the same project and one of the things I found  
5 is that collaboration had been or team project works were  
6 defined as an opportunity to blame it on others, what wasn't  
7 being done.

8 So, I tried to at the time and it was my policy  
9 that I tried what I called "total solutions" to the projects.  
10 That means when I made a bid, the provider that I am going to  
11 be selecting is the only responsible to the Department of  
12 Education of Puerto Rico that the project is completed.

13 Whatever had to be done. Sub-contract, produce  
14 more office required or whatever he has to do should be done  
15 by one single provider so I don't have to be trying to get  
16 together more than one provider and try to match up whatever  
17 reasons that might be real or not but I have to be some sort  
18 of referee and try to fix up what is going on. I decided  
19 that and it worked very well.

20 Q That's your philosophy?

21 A Yes. It did work very well. There is a single  
22 project provider responding to me and whatever means to that  
23 project, I call you and you have no excuses for me. You do  
24 whatever you have to do. And it worked.

25 Q It worked when?

1           A     When I started doing that. So in the next bids we  
2 started doing it I would say, as far as that first semester I  
3 was there.

4           Q     I'm sorry?

5           A     That first semester I was there. The semester that  
6 started in 2001 I start with this total solution policy and  
7 it worked and in the case specifically of 3,000 stations, the  
8 provider at that time that got the bid was awarded was  
9 responsible for... The department was buying a computer that  
10 had to be taken to the school, configured, connected and  
11 delivered to us in a working condition.

12                   So he has to provide the desk, he has to provide  
13 for the configuration, he has to provide for moving the  
14 computer, he has to provide for the guarantee and everything  
15 and that did work and that also did work with the labs.

16                   The providers for the labs had to provide the whole  
17 thing. Whatever had to be done to make it operational  
18 because my core of business is not systems, it's not  
19 computers. My idea and the idea of educators around the  
20 world is that technology in education exists in terms of a  
21 support for the learning process. My core of business is not  
22 having nor a computer center, nor a big network because that  
23 is not what I am supposed to be there for. I use that in  
24 terms of an education.

25                   If the learning process doesn't occur, I am losing

1 my time. So I don't want to be spending resources trying to  
2 administrate an organism that is even going to compete with  
3 my suppliers. PRC, Centennial, these are the people. That's  
4 their business. They are supposed to know how to do it. Let  
5 them do it and they are the only ones responsible. We tried  
6 that and so far it was working when I left.

7 Q With what suppliers?

8 A We tried that with E-Rate. We tried that with---

9 Q Who was the total system provider for E-Rate? The  
10 company that you would look to and say it was working?

11 A Only one bid was awarded while in the period that I  
12 was in the chair.

13 Q And who was that?

14 A It went to PRT and I wasn't there, but I heard that  
15 this one went to Centennial.

16 Q Why?

17 A Excuse me?

18 Q Why?

19 A Why what?

20 Q Why did it go to Centennial and not to PRT?

21 A Because they made the... What I heard is they made  
22 the best proposal.

23 Q Did the Department of Education pay PRT for that  
24 year that they provided services?

25 A No, because all the E-Rate funding depends on the



1 funds that are approved for the budget and even though they  
2 were awarded with the bid and they gave part of the services  
3 that they were supposed to, the funds are not available even  
4 at this time. So if funds aren't available...

5 Q They don't get paid?

6 A They don't get paid.

7 Q Even though they provided the services?

8 A (NO ANSWER IS HEARD FOR THE RECORD)

9 Q Your answer is yes?

10 A My answer is yes. That is part of what are my  
11 arguments when I went into Washington, I let them know, USAC,  
12 that the services were provided and that whatever part of  
13 that services that were provided were done under the  
14 proposals and that was information they had and they should  
15 be liberating the funds so that the providers can get the  
16 money upon the submission of the evidence that the services  
17 were provided.

18 Q And what did they tell you?

19 A Behind that chair, we had made some 4 messages to  
20 USAC and we were providing all the evidence that we had at  
21 that time of whatever was done in terms of the Department of  
22 Education and the last time I was there they told me "they  
23 were working on that, keep on giving us any information, you  
24 are doing a great job", but there were no commitments for a  
25 specific time. Not even a commitment for when the funds were

1 going to be liberated but that we were good and we were doing  
2 good.

3 Q Okay, let---

4 A Going back to the question during all this, when I  
5 left all the computers, the 3,000 were on the process of  
6 delivering and it should be performed a validation job from  
7 our technicians that once the supplier reports that these  
8 computers were delivered and configured and were in a working  
9 condition at such and such school, somebody from our office  
10 is called and say it's okay and you can be paid.

11 Q Somebody from where?

12 A From our office.

13 Q From your office?

14 A Mostly, people from the "foreign league", the ones  
15 that were at the school regions. These were the technicians  
16 that were in charge of go and check that everything is all  
17 right and of course that means that he has to go there and  
18 put on the computer, login and check that everything is  
19 working.

20 Q I was told---

21 A And also check the desks because there was a total  
22 solution, so they are responsible for the equipment, for the  
23 computer, configuration and for the desk.

24 Q And that was a good way to see if this connection  
25 is done in each station, right?

1 A Um-hum.

2 Q Now, you want to take a 5 minute break?

3 A Yes.

4 MR. CAMILO SALAS: Let's take a break.

5 OFF THE RECORD

6 After the recess,

7 BY MR. CAMILO SALAS:

8 Q You indicated earlier that about the time you left  
9 they were about 3,000 PCs that had been purchased and were  
10 being installed. Is that right?

11 A By OSIATD.

12 Q Right. Now, are you aware of any other PCs that  
13 had been installed by anybody else to be used in connection  
14 with the E-Rate Program by anybody else?

15 A Yes. The different awards for federal proposals  
16 under the different titles in the Federal Office of  
17 Education.

18 Q And those had been installed at different schools?

19 A Since they were bought directly by the school, the  
20 only thing we made is that we provided a contract for  
21 acquiring under one single bid but they were the ones that  
22 bought. They were the ones that verified that everything is  
23 okay so I don't know exactly, not even on the time I left how  
24 many of them were bought or installed. We just provided the  
25 supplier.

1 Q Let me stop here for a second. Let me ask you. In  
2 connection with your preparation for this deposition, did you  
3 have an opportunity to review any documents?

4 A No. I don't work any more in the Department of  
5 Education and I didn't take anything. I left everything at  
6 the Department of Education.

7 Q Those documents that are in the Department of  
8 Education could assist you in recollecting some of the events  
9 and assist you in testifying here, would they not?

10 A I guess.

11 Q Yes?

12 A I guess, yes. There is data. It should.

13 Q It should?

14 A It should. Yes.

15 MR. CAMILO SALAS: Mr. Bennazar, do you have any  
16 plans of producing the documents that were requested that  
17 this witness produced which are in the possession of the  
18 Department of Education?

19 MR. A.J. BENNAZAR: I mean, they were part of the  
20 subpoena for the deposition. I don't recall having received  
21 the request for production of documents as such, but if you  
22 are asking if we do have any objection to the extend that you  
23 may request documents that may be pertinent to controversy,  
24 of course we would have no objection to produce them. But I  
25 would have to see your request for productions to be able to

1 act.

2 MR. CAMILO SALAS: This document request is  
3 attached to the Notice of Deposition which you received some  
4 40 days ago and also were attached to the Subpoena Duces  
5 Tecum.

6 Similar documents were requested from the other 2  
7 witnesses who didn't appear on Monday as well as from Mr.  
8 César Rey Hernández who did not appear on Wednesday and as  
9 you know, the Court has ruled that we are entitled to our  
10 discovery requests.

11 So, it seems to me that you and or your client are  
12 under an obligation to produce these documents so that we can  
13 proceed in a more meaningful manner to examine the witnesses.

14 MR. A.J. BENNAZAR: Um-jum.

15 MR. CAMILO SALAS: It really makes no sense to,  
16 although it is somewhat helpful, to do it by memory but the  
17 documents would certainly assist all of us. So I want to ask  
18 you again when can we get the documents?

19 MR. A.J. BENNAZAR: First of all, the witness so  
20 far has not indicated that he has any problems with his  
21 memory. I think he is being testifying abundantly,  
22 spontaneously, I think he has a very good recollection of  
23 what he did and didn't do and so far he has been able to  
24 respond to each and every one of your questions with  
25 everything that he remembers and therefore, I don't think

1 that he has at this point requested that his memory be  
2 refreshed with anything.

3 So in terms of this deposition, I am sure you can  
4 continue to ask him and if we stumble upon a situation in  
5 where he says "I need to see the document", of course we will  
6 take care of that.

7 In terms of the broader scope of your question, I  
8 just said we have no objection to producing the documents  
9 when Mr. César Rey's deposition is taken and I need to  
10 speak... We are on the record now but I would like to speak  
11 off the record with you gentlemen afterwards so that we can  
12 coordinate it given that he has an extremely busy schedule.

13 We can arrange for the production of the documents.  
14 Again, I am not saying that we are objecting to producing  
15 anything. Your request I think is a little bit over broad  
16 but again, in the spirit of cooperation we can do this other  
17 record and see if we can reach an agreement amongst  
18 ourselves.

19 Now, in terms of this deposition of Mr. Aníbal  
20 Cruz, I would suggest that you go on. If you stumble upon a  
21 situation that requires the production of a document, we will  
22 take care of it but so far, he has not evidenced any memory  
23 problems at all. He hasn't want that he needs his memory to  
24 be refreshed with anything.

25 MR. CAMILO SALAS: Well, I think the witness is

1 being or trying to be very helpful in trying to tell us as  
2 much as he can remember events that took place several years  
3 ago.

4 However---

5 MR. A.J. BENNAZAR: A year and a half ago.

6 MR. CAMILO SALAS: A year and a half ago. Now---

7 MR. A.J. BENNAZAR: And he exhibits to have a great  
8 memory. He hasn't stumbled once. He knows what he is  
9 talking about and he remembers perfectly.

10 MR. CAMILO SALAS: Yes, but we are entitled to have  
11 the documents so we can question him or if necessary, not  
12 only to assist him but maybe even to cross examine the  
13 witness with the documents because right now we basically  
14 have to take everything at face value about what he is  
15 telling us and the documents may indicate otherwise.

16 Not because he is not trying to be candid with us  
17 but because our faculties often don't allow us to remember  
18 every single detail as time goes by. I don't have a problem  
19 to continue to get as much information as we can from this  
20 witness today because I don't want to waste another day since  
21 we already wasted the entire last week. I do request though,  
22 that you produce the documents and we adjourn this deposition  
23 today, we would adjourn with the understanding that we will  
24 get an opportunity to question the witness once the documents  
25 are produced. I don't think---

1 MR. A.J. BENNAZAR: In other words, what you are  
2 telling me is that you want to retain. You will not close  
3 the deposition formally. You will retain the prerogative of  
4 continuing the deposition should you find something in the  
5 documents that may move you to ask more questions to Mr.  
6 Cruz?

7 MR. CAMILO SALAS: Well, not only should I find  
8 that there is anything that would move me to ask questions.  
9 I think that I am entitled to have the documents present at  
10 the time that the witness testifies.

11 Now again, I don't have a problem asking what he  
12 recollects, which is one thing. I am entitled to ask him  
13 what the documents say, which is a different kind of  
14 questioning.

15 MR. A.J. BENNAZAR: Um-jum.

16 MR. CAMILO SALAS: So for purposes of assisting in  
17 our process, I don't have a problem going through what he  
18 remembers without the documents. But yes, I do want to keep  
19 the deposition open and continue on some other day and we  
20 will accommodate you when you can produce the documents, you  
21 bring the witness here again after we have had an opportunity  
22 to review the documents and then finish the deposition.

23 MR. A.J. BENNAZAR: Can we go off the record a  
24 second?

25 MR. CAMILO SALAS: Yes.



## OFF THE RECORD

After the recess,

MR. A.J. BENNAZAR: We will have no objection to leaving the deposition of Mr. Aníbal Cruz technically open to the extend that once the documents are produced, should you wish to depose him again upon prior consultation and accommodation amongst us Counsels, we can make arrangements for Mr. Cruz to have his deposition continued.

MR. CAMILO SALAS: So to be clear, we will continue on with the deposition today to try get as much information as we can without the documents with the understanding that we will not close the deposition. It will remain open. Thereafter, Counsel will provide the documents that have been requested and then we can select a date when we can continue to take the deposition, check in with the witness on a date when he is available.

MR. A.J. BENNAZAR: Um-jum.

MR. CAMILO SALAS: And also, when all the other Attorneys are available as well. Maybe selecting some of the dates that we set aside for purposes of conducting discovery in this case. Is that agreeable?

MR. A.J. BENNAZAR: I have no problems with that.

MR. CAMILO SALAS: All right.

BY MR. CAMILO SALAS:

Q So you were telling me that before the 3,000 PCs

1 were started to be installed when you left your left your  
2 job, there were other computers that the schools individually  
3 had obtained through some kind of grants that you are aware  
4 of. Is that right?

5 A That's right.

6 Q But you have no specific recollection as we sit  
7 here today when each of the schools obtained those computers?

8 A No, Sir.

9 Q Are you aware of any records that would tell us  
10 when the schools obtained one or two computers for their  
11 services?

12 A Since this was supposed to be individual  
13 acquisitions by each school by each order, I think that the  
14 only place that this might be is in the records of each  
15 school because schools can buy equipment or services from  
16 different kinds of funding. It can be federal funds. It can  
17 be funds from the Parent's Association or whatever. It can  
18 be donations by the industry. We had a lot of different  
19 kinds of funds available. Schools are the only ones that  
20 might have them.

21 Q When you took the job, did you familiarize yourself  
22 with the requirements of the E-Rate funds?

23 A Yes, Sir.

24 Q You are aware of the fact that E-Rate funds cannot  
25 be used to purchase computers, are you not?

1 A Yes, Sir.

2 Q You agree with that?

3 A In terms of certain kind of computers, yes.

4 Q What do you mean "certain kind of computers"?

5 A Because the servers that were acquired for the  
6 departments are computers but of certain type of computers.

7 Q All right. The PCs themselves---

8 A Um-jum.

9 Q Cannot be purchased with E-Rate funds?

10 A That is correct.

11 Q Now---

12 MR. A.J. BENNAZAR: Again for the sake of clarity,  
13 then the question you modified is that E-Rate funds cannot  
14 be used to purchase PCs?

15 MR. CAMILO SALAS: That's right.

16 MR. A.J. BENNAZAR: But not computers in general.

17 MR. CAMILO SALAS: Let me restate it.

18 MR. A.J. BENNAZAR: Please.

19 BY MR. CAMILO SALAS:

20 Q You would agree with me that E-Rate funds cannot be  
21 used to purchase PCs.

22 A In terms of the definition that E-Rate funds does,  
23 yes.

24 Q Right. And PCs I mean, at least for purposes of  
25 our deposition here today, the computers say a student will

1 use to login to the Internet.

2 A The end users is the word.

3 Q All right. You also would agree with me that when  
4 the Puerto Rico Department of Education made application to  
5 obtain E-Rate funds, the Department of Education certified to  
6 the FCC in its application for funds that the Department of  
7 Education either had acquired or had the PCs necessary to  
8 allow the students to connect to the Internet or that the  
9 Department of Education was in a position to obtain those  
10 PCs?

11 A Yes, Sir.

12 Q All right. Now, but what you are telling me today  
13 is that although the first application was made in 1998 for  
14 E-Rate funds, the Department of Education did not acquire  
15 those PCs until November of 2002 by the time that you were  
16 leaving your employment?

17 A Since I told you before, I didn't have the  
18 opportunity to have not even an interview with Mr. Peguero  
19 and almost no information was available at the time. But the  
20 fact was that there were not all the computers I think we  
21 needed at that moment and the fact also was that the bid for  
22 acquiring computers is of public knowledge that something  
23 happened on the way to the Coliseum and the bid was halted  
24 and at the time when I arrived to the position that halt was  
25 still in place and that bid was not awarded.

1 Q What kind of halt was that?

2 A It was a halt by the Courts. It was a problem of  
3 the way that the bid was awarded and there were some requests  
4 from suppliers that the proposal not be awarded. It was  
5 superceded and that order for computers didn't proceed.

6 Q So as we sit here today, you don't know of any  
7 orders for purchases of computers by the Department of  
8 Education that had been made prior to November of 2002 to be  
9 used with the E-Rate funds?

10 A Specifically, I know that that order of the  
11 specific case of \$100 million dollars or something like that  
12 for 100,000 computers wasn't awarded because of a Court  
13 decision.

14 Q All right.

15 A And I don't have in terms of the office I was  
16 directing, acquiring directly computers until the summer but  
17 I don't know whatever effort or acquisition of computers the  
18 schools by themselves or the Department of Education had done  
19 before I was in the chair.

20 Q I understand. Now, this order that was stopped by  
21 the Courts, that was for 100,000 computers?

22 A I think so.

23 Q Yes?

24 A I am not sure but I think so.

25 Q And those computers were going to be installed at

1 the different schools in connection with the E-Rate funds?

2 A I don't know if before the E-Rate funds, but the  
3 final result would be that it was going to be used by the E-  
4 Rate funds.

5 Q They were going to be used for the students to  
6 access the Internet?

7 A Which goes along with the E-Rate funds.

8 Q And as we sit here today, have those 100,000  
9 computers been purchased?

10 A That bid? No.

11 Q Only 3,000 had been purchased that you were aware  
12 of?

13 A Plus the---

14 Q The stations?

15 A The labs.

16 Q The labs?

17 A The laboratories.

18 Q So we can agree then that there are many more  
19 computers that are needed to be used in all the schools as it  
20 was originally intended?

21 A To answer---

22 MR. A.J. BENNAZAR: Excuse me, intended by whom?  
23 Your question is not clear.

24 MR. CAMILO SALAS: All right.

25 BY MR. CAMILO SALAS:

1 Q When the E-Rate funds first started, there was some  
2 plan to put so many drops in each school or in each  
3 classroom. Is that not true?

4 A Yes.

5 Q And each drop was going to have a computer assigned  
6 to it?

7 A At least will provide connectivity.

8 Q Why?

9 A That can be at least for one computer.

10 Q Right. And there was anticipated that a certain  
11 number of computers would be placed in each classroom and in  
12 each school. Is that right?

13 A Seems logic to me.

14 Q And you would agree with me that as of this date,  
15 not all the computers that were intended to be used have been  
16 provided to the schools.

17 A I can say that the bid that we were talking before  
18 was not conducted but if they were, the computers that the  
19 authors of the original concept were thinking of, I don't  
20 know if they were thinking about pre-existing computers  
21 because we---

22 Q Because they don't work.

23 A We don't know the exact conditions of each computer  
24 and the ones I tried which are the ones I can talk about and  
25 give facts, most of them were not. But I don't know the

1 whole population of computers of the Department of Education.

2 Q But to be clear, why is it that the computers that  
3 you did try, those are not---

4 A Most of them.

5 Q Most of them are not good to work with the  
6 Internet.

7 A As we designed them in terms of the active  
8 directory and to be able to hold Windows 2000.

9 Q All right. And Windows 2000 was the program that  
10 was going to be used as an access to the Internet?

11 A No. It is the operational system over which is  
12 going to perform all the applications.

13 Q All right.

14 A And it is directly in charge of making the end user  
15 station available to the web.

16 Q It did not have Internet built-in to the  
17 Windows---

18 A No. The thing is that to comply with the policies  
19 in terms of how the access to the Internet is going to be  
20 used, the policy that was established with the Department of  
21 Education is that of a file of a student user has to be  
22 provided so the stations and the facility fees in the project  
23 is not used for projects against the law or the regulations  
24 of E-Rate funds and that part requires that a profile has to  
25 be defined for the students or the teacher who is going to be



1 accessing the Internet and to do such a thing, a directory, a  
2 record or a file with the definition of what can be done and  
3 what cannot be done is the one that is provided in the active  
4 directory and to manage such a big web, we are talking about  
5 almost 1,500 schools within a single web.

6 We have to provide ourselves with technological  
7 aid to support in there. At the time that we are talking,  
8 the operational system that can perform and do that is the  
9 operational system of Windows 2000.

10 Q Now, you said that you checked some of the  
11 computers that existed at the schools and most of them were  
12 not good for this program, right?

13 A Somebody did it for me.

14 Q All right. I was going to ask you that. Who did  
15 it for you?

16 A Our technicians.

17 Q All right. Was that part of that work force of 200  
18 people that you recruited from other agencies to go and check  
19 the schools?

20 A No, Sir.

21 Q This was different?

22 A Yes.

23 Q So your technicians went to the schools and they  
24 looked at what computers were available and they told you  
25 that most of them were are not good for this program, right?

1 A Yes.

2 Q Now---

3 A With the V-1 generation.

4 Q Right.

5 A The first group that we were going to be  
6 validating.

7 Q Now, let's go back. Early in your deposition you  
8 said you put together and you asked for 500 people and  
9 eventually you got 200 to go check the schools themselves to  
10 see what was going on. Did that ever happen?

11 A Yes.

12 Q Did they provide any type of report to you?

13 A Yes.

14 Q Was that in writing?

15 A I think so.

16 Q Okay, and what kind of information, the best you  
17 can remember today without any documents, was given to you  
18 concerning what they found?

19 A Yes. I remember that we sent in advance an  
20 inventory work sheet so that the school principles can  
21 perform some sort of inventory of the PCs available in the  
22 schools. No matter the kind of computer, they can provide us  
23 information on them and when this group goes to the schools,  
24 recover the form with the information and make a sample just  
25 to be sure that the information was entered correctly. That

1 is one of the things

2 I---

3 Q What information was actually corrected?

4 A The information about the inventory of work  
5 stations, I mean PCs that were available in the school.

6 Q You wanted to know what equipment was at each  
7 school?

8 A Yes.

9 Q Did you ask these people to login and find out if  
10 the stations were working?

11 A No. Just a sampling. That depends on the specific  
12 person that was there how many they were going to check but  
13 they are supposed to check the information about  
14 identification and of course, they should login into the  
15 samples they selected just to be sure that the processors  
16 that were said in the samples is a Pentium II, so and so or  
17 it is a Pentium I, so and so and that they worked right. But  
18 just a sample.

19 Q Were they required to go ahead and access the  
20 Internet?

21 A No, Sir.

22 Q No?

23 A That was another work that they were supposed to  
24 collect about the facilities they have to access the Internet  
25 concerning the structure, the equipment, that the services

1 were available.

2 Q If mentioned, that was required?

3 A It was also required.

4 Q Did you obtain from each school information  
5 regarding whether or not that school was able to access the  
6 Internet on the date that each of those inspections took  
7 place?

8 A I think so.

9 Q Did you get a written report?

10 A I think so.

11 Q Now, if some of the schools had computers that were  
12 not good for that purpose as you have told us here today, how  
13 did these people check to make sure that the T-lines and all  
14 the internal equipment that had been installed by DRC was  
15 working or was not working?

16 A As far as I know or as far as I remember, I think  
17 that the test was supposed to be performed from the servers.  
18 One of the servers. That is my best recollection. But that  
19 was designed by Mr. Adonay Ramírez. He can go further into  
20 that.

21 Q You don't have a specific knowledge about that?

22 A Remember I was doing the macro management. I  
23 didn't went into details, specific details. That was part of  
24 Mr. Ramírez's functions and tasks.

25 Q Do you know if each school was tested like that?

1 A It was supposed to be.

2 Q Do you know if they were?

3 A The information I have is that we, and when I say  
4 "we" again I am talking about the Department of Education,  
5 sent this people and they don't cover the whole universe of  
6 schools and of the schools they visited, they collected  
7 information and Mr. Ramirez's office made a tabulation on  
8 that and gave us the report.

9 Q So basically they did a sampling of some schools?

10 A The information about the inventory was supposed to  
11 be---

12 Q All of them?

13 A All of them and of the whole thing, they were not  
14 able to test every single computer so they were to select a  
15 sample and check that the information was entered correctly.  
16 For example, where it says ID Number, you have the ID Number  
17 and not the Model Number.

18 Q For the equipment, you mean?

19 A For the equipment, because I wanted to be sure that  
20 I can have an idea of how many computers and what type of  
21 computers. It was a concern of if the computer fits or  
22 doesn't fit. So that information was supposed to be  
23 collected.

24 Q All right.

25 A And I know that not all schools... First, we

1       couldn't cover all the schools by different reasons but the  
2       100% of the schools was not tabulated and that of the schools  
3       that were visited, not all turned in information.

4           Q     Let me ask you---

5           A     Because I remember I pushed very hard on getting  
6       that information.

7           Q     Let me ask you this question. As a result of these  
8       visits by these people to the different schools and whatever  
9       they did, did you receive any reports indicating that DRC had  
10      done anything wrong in connection with the work that DRC was  
11      supposed to do and if so, tell me what?

12          A     Yes, Sir. The infrastructure of the schools in  
13      terms of, I don't remember exactly, but I remember that the  
14      report came and it had specific concerns in samples of what  
15      they found and I remember that there were servers that were  
16      not deployed, that were still in the boxes or were not  
17      connected. I remember there was cascading UPS, equipment  
18      connected where there was no power---

19          Q     No power meaning no electric power?

20          A     No electric power. I remember something about  
21      malfunctioning equipment or equipment that was not  
22      functioning at all, missing equipment. The report had the  
23      whole thing.

24          Q     Okay. And what is the name of that report?

25          A     I don't remember but it should say somewhere that